

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

LORENZO MALONE,
Petitioner,

v.

JAMES FORTNER, Warden,
Respondent.

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NO. 3:09-cv-0949
JUDGE HAYNES

PETITIONER'S REQUEST FOR WAIVER
OF M.D. TENN. LOCAL RULE 56.01

Quinn
This motion
is GRANTED
Will [signature]
5-22-12

In this case, Petitioner respectfully requests that the Court waive compliance with the requirements of M.D. Tenn. Local Rule 56.01 directing the proponent of a summary judgment motion to set forth each material fact in separate, numbered paragraphs, and the party opposing a summary judgment motion to set forth its responses to each material fact under separate, numbered paragraphs. In support thereof, petitioner submits that the rationale underlying these requirements should not apply in a habeas corpus action under 28 U.S.C. § 2254, where notice pleading is not permitted and where the standard of review is presumptively limited to the existing state court record, which has already been filed with the Court. (*See* D.E. 29 & 30, Notice of Filing Documents and Attachments.)

Accordingly, petitioner requests that this Court grant a waiver of the requirements of Local Rule 56.01 in this case. Further, petitioner requests, pursuant to said waiver, that the Court accept respondent's motion for summary judgment for filing without the serialized recitation of facts required therein.